

AMENDED IN SENATE APRIL 12, 2010

**SENATE BILL**

**No. 1365**

---

**Introduced by Senator Corbett**

February 19, 2010

---

An act to amend Section 108555 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as amended, Corbett. Public safety: consumer products.

Existing law provides no person shall manufacture, sell, or exchange, have in his or her possession with intent to sell or exchange, or expose or offer for sale or exchange to any retailer, any toy that is contaminated with any toxic substance, as provided. Existing law provides for enforcement of these provisions by the State Department of Public Health and local health officers.

This bill would also allow the Department of Toxic Substances Control to enforce these provisions if existing resources exist. *This bill would provide that when a penalty is imposed by any of the enforcement agencies, as provided, the other 2 may not also impose a penalty for the same incidence of violation.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 108555 of the Health and Safety Code
- 2 is amended to read:
- 3 108555. (a) No person shall manufacture, sell, or exchange,
- 4 have in his or her possession with intent to sell or exchange, or

1 expose or offer for sale or exchange to any retailer, any toy that is  
2 contaminated with any toxic substance or that is any of the  
3 following:

4 (1) Is coated with paints and lacquers containing compounds  
5 of lead of which the lead content (calculated as Pb) is in excess of  
6 that permitted by federal regulations contained in Section 1500.17  
7 of Title 16 of the Code of Federal Regulations adopted pursuant  
8 to the Federal Hazardous Substances Act, Chapter 30 (commencing  
9 with Section 1261) of Title 15 of the United States Code, or soluble  
10 compounds of antimony, arsenic, cadmium, mercury, selenium or  
11 barium, introduced as such. Compounds shall be considered soluble  
12 if quantities in excess of 0.1 percent are dissolved by 5 percent  
13 hydrochloric acid after stirring for 10 minutes at room temperature.

14 (2) Consists in whole or in part of a diseased, contaminated,  
15 filthy, putrid, or decomposed substance.

16 (3) Has been produced, prepared, packed, shipped, or held under  
17 unsanitary or other conditions whereby it may have become  
18 contaminated with filth or hazardous materials or otherwise  
19 rendered injurious to health.

20 (4) Is stuffed, padded, or lined with materials that are toxic or  
21 that would otherwise be hazardous if ingested, inhaled, or  
22 contacted.

23 (5) Is a stuffed, padded, or lined toy that is not securely wrapped  
24 or packaged.

25 (b) The department and local health officers shall enforce this  
26 article. The Department of Toxic Substances Control may also  
27 enforce this article if existing resources are available.

28 (c) Violation of this section is a misdemeanor punishable by a  
29 fine not exceeding one thousand dollars (\$1,000) for each violation  
30 or by imprisonment in the county jail for a period not exceeding  
31 one year, or both.

32 (d) *If a penalty is imposed pursuant to this section by the State*  
33 *Department of Public Health, a local health officer, or the*  
34 *Department of Toxic Substances Control, then a penalty shall not*  
35 *be imposed by either of the other two enforcement entities for the*  
36 *same incidence of violation.*